

Appeal Procedures

If you disagree with a decision rendered by the Department of Education and Early Development Child Nutrition Programs, you have the right to request an administrative review of that decision by an impartial Hearing Officer. An administrative review is a process by which an impartial hearing official reviews information provided by the Department of Education and Early Development and the appellant to determine if procedures were followed and within the federal and state laws, regulations, and policies and procedures. .

Appealable Actions

Denial of an institution's application for participation
Denial of an application submitted by a sponsoring organization on behalf of a facility
Termination of the participation of an institution or facility
Disqualification of a responsible principal or responsible individual
Suspension of an institution's agreement
Denial of an institution's application for start-up payment or expansion funds
Denial of an advance payment
Recovery of advances
Denial of all or a part of a timely submitted claim for reimbursement
Denial by EED to forward an agency exception request for payment of a late claim or a request for an upward adjustment to a claim to FNS.
Demand for the remittance of an overpayment
Denial of a food service management company's application for registration, if applicable;
Revocation of a food service management company's registration, if applicable.
Any other action by EED affecting the participation of an institution in the Program or the institution's claim for reimbursement.

Procedure

1. CNP provides written notice of reason for action and informs the appellant of their appeal rights.
2. If the appellant wishes to appeal the action they must submit a written request for an appeal by registered mail or electronic submission no later than 30 calendar days of receipt of notice of the proposed action. The request should contain the following information:
 - a. A copy of the written action being appealed
 - b. An itemized listing of each alleged violation or statute or regulation upon which the appeal is based
 - c. A statement of the facts supporting each alleged violation of statute or regulations
 - d. The relief sought
3. The request must be addressed to the following office:

**Office of the Commissioner
State of Alaska
Department of Education and Early Development
801 West 10th Street, Suite 200
P.O. Box 110500
Juneau, AK 99811-0500**

4. The appeal must be signed by the superintendent, if the appeal is filed by a school district, or by the chairman or presiding officer of the board, committee, or organization making application, if the

appeal is filed by an applicant other than a school district. In order for the request for an appeal to be considered, the appellant must present any evidence in person and/or by written documentation. To obtain a hearing in person you must specifically request such a hearing in your written request for appeal. Written documentation refuting the charges (show they are false) must be submitted to the hearing official, at the above address and postmarked within 30 calendar days of the receipt of notice of action.

5. The appellant may be represented at the hearing by legal counsel or another person. You will be afforded the opportunity to review any information upon which the adverse action was based. The decision of the Hearing Officer is the final administrative determination available.
6. No later than 5 days, the Commissioner of the Department of Education and Early Development will appoint a hearing official to review all issues set out in the notice of appeal.
7. No later than 15 days after appointment, the hearing official shall issue a written decision. Within 15 working days of the Department of Education and Early Development's receipt of the request for appeal, the hearing official must inform the appellant of the administrative review's outcome in writing.

The State's action shall remain in effect during the appeal process. However, the appellant may continue to operate under the Program during an appeal of termination, unless the action is based on imminent dangers to the health or welfare of participants.

If you do not agree with the determination made as a result of the administrative review, you may request a formal hearing.

1. The request for hearing must be in writing and postmarked no later than 15 calendar days after the date of the decision. The request must include:
 - a. Errors that you allege were made by the initial decision maker or through the administrative review
 - b. The relief requested
 - c. Where you will be represented by counsel
2. Within 15 days receipt of the formal hearing request, a hearing official, who is not an employee of the Department of Education and Early Development, will be appointed.
3. A prehearing conference will be scheduled no later than 5 days after the appointment.
4. The hearing will be scheduled no later than 30 days after the date of appointment of the hearing officer.
5. The hearing officer shall submit a recommended decision to the commissioner within 15 working days after the hearing.
6. The commissioner may adopt all, part, or none of the hearing officer's recommended decision. No later than 15 working days after receiving the hearing officer's recommendations, the commissioner will notify appellant by certified mail on the commissioner's decision.